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 FRANK FERRARA and CHARLIE FERRARA

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

CORY SPENCER, an individual; DIANA
 MILENA REED, an individual; and
 COASTAL PROTECTION RANGERS,
 INC., a California non-profit public
 benefit corporation,

Plaintiff,

vs.

LUNADA BAY BOYS; THE
 INDIVIDUAL MEMBERS OF THE
 LUNADA BAY BOYS, including but not
 limited to SANG LEE, BRANT
 BLAKEMAN, ALAN JOHNSTON AKA
 JALIAN JOHNSTON, MICHAEL RAE
 PAPAYANS, ANGELO FERRARA,
 FRANK FERRARA, CHARLIE
 FERRARA; CITY OF PALOS VERDES
 ESTATES; CHIEF OF POLICE JEFF
 KEPLEY, in his representative capacity;
 and DOES 1-10,

Defendants.

Case No. 2:16-cv-2129

Judge: Hon. S. James Otero
 Ctrm: 10C

Magistrate Judge:
 Hon. Rozella A. Oliver

**DECLARATION OF ALEX
 MORALES IN SUPPORT OF
 FRANK FERRARA'S AND
 CHARLIE FERRARA'S
 OPPOSITION TO PLAINTIFFS'
 MOTION FOR EVIDENTIARY
 SANCTIONS**

Complaint Filed: March 29, 2016
 Trial Date: December 12, 2017

I, Alex Morales, declare as follows:

1. I am a Forensic Analyst and have been employed by Advanced
 Discovery for three years. I have been a Forensic Analyst in the industry for eight
 years. A Forensic Analyst is tasked with the collection, acquisition, processing and
 analysis of information and data on electronic devices. I have significant experience

1 over the last eight years handling matters of acquisition particularly from mobile
2 devices.

3 2. On July 14, 2017, I performed a complete data acquisition on the cell
4 phone of Frank Ferrara, MSISDN 13107531957, serial number DNPPJEZVG5MC.
5 The extraction report compiled from this acquisition was provided to Bremer Whyte
6 Brown & O'Meara LLP ("BWBO") on July 15, 2017.

7 3. On July 15, 2017, I performed a complete data acquisition on the cell
8 phone of Charlie Ferrara, MSISDN 13102917276, serial number
9 C6KRX8KGGRXW. The extraction report compiled from this acquisition was
10 provided to BWBO on July 16, 2017.

11 4. On September 13, 2017, I performed a complete data acquisition on the
12 cell phone of Frank Ferrara, MSISDN 13107531957, serial number
13 FCDNT2UUG07J. The extraction report compiled from this acquisition was
14 provided to BWBO on September 13, 2017.

15 5. When conducting a complete data acquisition from a cell phone, as
16 performed on the foregoing cell phones of Frank and Charlie Ferrara, I use software
17 called Cellebrite, which is an industry accepted forensic tool utilized for the purpose
18 of data acquisition for mobile devices.

19 6. In acquiring the data from the cell phones of Frank Ferrara and Charlie
20 Ferrara, the data was extracted using three separate methods: logical, physical and
21 file system. All three methods are combined and processed to produce the extraction
22 report.

23 7. Data that may have been removed from the device is still extracted so
24 long as the data is recoverable and has not been overwritten.

25 8. Data is not overwritten intentionally and is not controlled by the mobile
26 device user. Data overwriting occurs arbitrarily in order to make space for new data
27 on the phone.

28

9. I inspected Frank and Charlie Ferrara's cell phones for software that may have been installed to eliminate data on the phones and did not locate any application or software which could have been used for the purpose of elimination of data or wiping away data.

10. While it is clear from the extraction reports that some data was removed and also recovered, there is no way of knowing when the data was removed or whether Frank or Charlie Ferrara intentionally removed that data.

11. There is also no way of knowing when any removed data, that was not recovered from the mobile device, was removed or overwritten.

12. When there is a gap in data acquired from a cell phone, such gap may be explained by the fact that the phone may have been synced to an older backup.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 5th day of October 2017, at Los Angeles, California.



Alex Morales

PROOF OF SERVICE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 20320 S.W. Birch Street, Second Floor, Newport Beach, California 92660.

On October 6, 2017, I served the within document(s) described as:

DECLARATION OF ALEX MORALES IN SUPPORT OF FRANK FERRARA'S AND CHARLIE FERRARA'S OPPOSITION TO PLAINTIFFS' MOTION FOR EVIDENTIARY SANCTIONS

on the interested parties in this action as stated on the attached mailing list.

☒ (BY MAIL) By placing a true copy of the foregoing document(s) in a sealed envelope addressed as set forth on the attached mailing list. I placed each such envelope for collection and mailing following ordinary business practices. I am readily familiar with this Firm's practice for collection and processing of correspondence for mailing. Under that practice, the correspondence would be deposited with the United States Postal Service on that same day, with postage thereon fully prepaid at Newport Beach, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☒ (BY ELECTRONIC SERVICE) Complying with Code of Civil Procedure § 1010, I caused such document(s) to be Electronically Filed and Served through the _ for the above-entitled case. Upon completion of transmission of said document(s), a filing receipt is issued to the filing party acknowledging receipt, filing and service by 's system. A copy of the filing receipt page will be maintained with the original document(s) in our office.

Executed on October 6, 2017, at Newport Beach, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Kimberly Macey
(Type or print name)


(Signature)

Cory Spencer v. Lunada Bay Boys et al.,**Case No. 2:16-cv-2129-SJO****BWB&O CLIENT: Frank and Charlie Ferrara**
BWB&O FILE NO.: 1178.176**SERVICE LIST**

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